



YARD SALE PROGRAM

Guidebook and Application

Division of Planning and Development
JFK Civic Center
50 Arcand Drive
Lowell, MA 01852
(978) 970-4252

YARD SALE PROGRAM GUIDEBOOK

Welcome to the City of Lowell's Yard Sale Program. This program is administered through the City's Division of Planning and Development (DPD), and is designed to sell small, City owned vacant lots to property owners whose property abuts to these lots. The overall goal of the Yard Sale Program is to decrease the density of Lowell's residential neighborhoods by increasing the amount of yard space available to community residents.

What kind of vacant lots will be sold through this program?

Only non-buildable, City owned vacant lots can be sold through the Yard Sale Program. All lots sold through the Yard Sale Program are generally less than 6,000 square feet. *Not all City owned vacant lots are for sale.* All vacant lots to be included in this program must first be approved by the Yard Sale Program Committee, composed of staff members from the Division of Planning and Development.

What can a vacant lot be used for?

All Yard Sale Program lots are sold as non-buildable. Based upon this requirement, a vacant lot can only be used for a garden, landscaped open space or off street parking. In some cases, a vacant lot may be used for a garage or an addition to an existing structure. Any lot which is sold for a garage or an addition to an existing structure must be approved by the Yard Sale Program Committee. In addition, the abutter would still need to receive all applicable permits for construction.

Who Can Apply to Buy a Vacant Lot through the Yard Sale Program?

A property owner whose property is located immediately adjacent to a vacant lot is eligible to apply. Property owners located on the opposite side of the street from a vacant lot are not eligible to apply through this program. The picture below shows an example of who can and cannot apply.

A	B	C
D	Vacant Lot	E

F	G	H
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In this example, property owners B, C, D, and E would be able to apply to purchase the lot through the Yard Sale Program. Property owner A cannot apply, since the property does share a lot line with the vacant lot. Property owners F, G, and H are located across the street from the vacant lot, and are also not eligible to purchase the lot.

How much does a vacant lot cost?

Based on an independent real estate appraisal completed in May 2000, and updated based on market conditions, the City of Lowell has established a fair market value of any City-owned, undersized, vacant lot with deed-restricted development rights as twenty cents (\$0.25) per square foot. The sale price of any Yard Sale lot will be computed based upon this appraised value. Generally, Yard Sale lots are valued at under \$1,000.00.

How are applications evaluated?

All abutters who submit an application will be subject to the following reviews:

- Tax Delinquency Review: Abutters who have had property foreclosed upon by the City of Lowell are ineligible to purchase a Yard Sale lot. At the time of filing an application and during the application process, applicants must not be delinquent in the payment of taxes on any property in the City of Lowell, or must be current in a repayment agreement with the City of Lowell's Treasurer's Office. Applicants must also ensure that any tenant that is responsible for the payment of property taxes for any property owned by the applicant must not be delinquent in the payment of these taxes, or must be current in a repayment agreement with the City of Lowell's Treasurer's Office.
- Arson Prevention Review: Abutters with arson-related histories or with any unresolved arson-related charges are ineligible to purchase a Yard Sale lot.
- Fair Housing Review: Abutters who have any housing discrimination complaints, convictions for violating fair housing laws, unresolved tenant harassment complaints or convictions for tenant harassment are ineligible to purchase a Yard Sale lot.
- Code Violation Review: Abutters who have any unresolved violations of building or health codes are ineligible to purchase a Yard Sale lot.
- Complete Application Review: All applications submitted must be complete and submitted by the established deadline date to the Division of Planning and Development. All sections and questions must be complete and truthfully answered.
- Eligible Abutter Review: Applicants must be an abutting property owner to be eligible to purchase a Yard Sale lot.
- Zoning Review: The proposed sale of the Yard Sale lot must not expand a non-conforming use.

Following this review process, all acceptable applications will be reviewed by the Yard Sale Program Committee. All abutters who are ineligible for the program will be notified, and their applications will not be considered.

What happens when more than one abutter wants to purchase the property?

If more than one abutter applies for the purchase of the lot and they both submit applications that meet minimum review requirements, then two options are available. The Yard Sale Program Committee can recommend that the parcel be divided and each abutter will receive a portion of the property, or the Committee may decide that the property should be sold to one abutter based on the following program criteria:

- Preference will be given to an abutter who maintains their property in excellent condition.
- Preference will be given to the abutter who presently has little or no useable open space.
- Preference will be given to the abutter who has assisted in the maintenance and care of the vacant lot.
- Preference will be given to the abutter who is a residential owner-occupant. If no owner-occupants apply, preference will be given to residential uses.
- Preference will be given to those proposals that will improve the quality of life in the neighborhood as a whole.
- Preference will be given to those abutters that have an excellent tax payment history.

All decisions made by the Yard Sale Program Committee are final. In some cases, the Yard Sale Program Committee may request to meet with both applicants in order to generate a mutually agreeable solution for both parties. The Yard Sale Program Committee reserves the right to not recommend any abutter as the purchaser of the vacant lot.

What happens if there are no applicants eligible to purchase the property?

If none of the direct abutters apply to purchase the lot or none of the applicants meet the minimum review requirements, the Division of Planning and Development will expand the sale of the property to include other property owners who are not direct abutters, or will reserve the property for utilization in a planning effort, such as a revitalization plan or neighborhood action plan.

Who is on the Yard Sale Program Committee?

The recommendations for approval will be conducted by the Yard Sale Program Committee of the Division of Planning and Development. The Yard Sale Program Committee will be composed of the following:

- Coordinator of Neighborhood Services, Division of Neighborhood Services
- Neighborhood Planner, Division of Planning and Development
- Housing Program Manager, Division of Planning and Development
- Chief Planner, Division of Planning and Development
- Assistant City Solicitor, Legal Department
- Asset Manager, Division of Planning and Development

How does the City make sure that the property is not used for ineligible uses and is maintained correctly?

Included in the sale terms and conditions is an agreement that the buyer must agree to certain items such as the following:

- The lot must be kept free of garbage and debris.
- The grass and/or weeds must be kept trimmed and cut below 6 inches.
- All shrubs must be maintained.
- If the lot is sold, the lot must always be sold with the original abutter lot.
- If the lot is used for off-street parking, a legal curb-cut must be constructed for access in compliance with all applicable City of Lowell Ordinances.
- The buyer must begin maintenance of the lot immediately upon purchase and complete all proposed improvements within one year of purchase.
- Any improvements to the lot must be completed in accordance with the City of Lowell's zoning ordinances.
- Any proposed off-street parking must incorporate landscaping equal to at least 5% of the total paved area.

The deed signed at the closing will secure this agreement. If these conditions are not met, the City has the option to foreclose on the property.

What are the procedures to purchase a vacant lot through the Yard Sale Program?

If you are a direct abutter to a vacant lot, you should contact the Neighborhood Planner at (978) 970-4252. DPD will examine whether the property is privately owned or owned by the City.

If the property is privately owned, the City cannot sell the lot to you. However, the property may be in tax title foreclosure for non-payment of property taxes. DPD can provide you with this information, and advise you whether you should pursue the purchase of this property.

If the property is City owned, DPD will investigate whether the vacant lot should be included in the Yard Sale Program. *Not all City owned vacant lots are for sale.*

YARD SALE PROGRAM APPLICATION

DEADLINE and DELIVERY:

The application must be submitted to the Division of Planning and Development by the established deadline. All applications received after this deadline will not be considered. *All applications must be submitted in a sealed envelope with the name and address of the applicant as well as the location of the Yard Sale lot clearly marked on the outside of the envelope.* The checklist information below must be mailed or delivered to the following address:

Joseph Boyle, Neighborhood Planner
Division of Planning and Development
JFK Civic Center - 2nd Floor
50 Arcand Drive
Lowell MA 01852

QUESTIONS:

Any questions pertaining to the submission or completion of this application should be directed to Joseph Boyle, Neighborhood Planner. Mr. Boyle and other Division of Planning and Development staff can be reached at (978) 970-4252.

CHECKLIST INFORMATION:

Information in the top box should be submitted by all applicants. Information in the bottom box is only applicable to certain applicants. (See below for details). ***Any application that does not include all applicable materials will not be considered.***

REQUIRED FOR ALL APPLICANTS

- ☐ Completed application (pages 1-2)
- ☐ Affidavit regarding payment of taxes, arson and related code violations, etc. (page 3).
- ☐ Disclosure Statement (page 4)
- ☐ Rough sketch showing proposed improvements and uses of the lot
- ☐ Copy of the deed that proves that the applicant is an abutter to the Yard Sale lot

IF APPLICABLE ...

- ☐ If your property is held in a trust, please provide Declaration of Trust with recording reference; Authorization and Declaration of Beneficiaries; Trustee's Certificate (page 5-6); Beneficial Interest Statement for the Trust (page 7); Schedule of Beneficial Interests (page 8).
- ☐ If your organization is a corporation (nonprofit, for-profit, or religious organization), please provide the Articles of Incorporation, By-Laws, List of Board Officers' names and addresses, and 501 (c) 3 letter (for applicable nonprofit organizations).

YARD SALE PROGRAM APPLICATION

1. Address of vacant lot you would like to purchase: _____
2. Applicant's Name: _____
Home Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Work Phone Number: _____
Mailing Address (if different from above): _____

What is the best time to contact you? ☐ AM ☐ PM ☐ work ☐ home
3. Address of the property you own next to the Yard Sale lot: _____
4. Recording reference of the property you own next to the Yard Sale lot:
Deed Book: _____ Page Number: _____
5. Please indicate the type of property that you own next to the Yard Sale lot:

<input type="checkbox"/> Residence (<i>Owner Occupied</i>)	<input type="checkbox"/> Business
<input type="checkbox"/> Residence (<i>Renter Occupied</i>)	<input type="checkbox"/> Vacant Land
<input type="checkbox"/> Church	<input type="checkbox"/> Other: _____
6. What is your proposed use for the Yard Sale lot?

<input type="checkbox"/> Garden	<input type="checkbox"/> Landscaped Open Space
<input type="checkbox"/> Addition to Home or Business	<input type="checkbox"/> Parking
<input type="checkbox"/> Garage	<input type="checkbox"/> Side Yard
<input type="checkbox"/> Other: _____	

7. When do you plan to start and complete your proposed improvements to the Yard Sale lot?
Start Date: _____ Completion Date: _____

8. If you are proposing to make improvements to the lot, what are your expected project costs?

\$ _____

9. Have you (or your tenants) assisted in maintaining this lot? ☐ Yes ☐ No

If yes, please explain: _____

10. Describe your proposed use for the lot in as much detail as possible. If you are going to make improvements to the lot, please tell us the kind of materials that you will be using. Please enclose or attach a rough sketch of your proposed use and design for the lot.

11. What other property do you own in Lowell? Please include properties in which you have a partial ownership through trusts or other straw organizations.

12. Would you want to purchase a section of the lot if subdivided between several applicants?

☐ Yes ☐ No

I CERTIFY THAT ALL THE INFORMATION INCLUDED IN THIS APPLICATION IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Applicant's Signature: _____ Date: _____

If applicable

Co-Applicant's Signature: _____ Date: _____

Co-Applicant's Signature: _____ Date: _____

AFFIDAVIT

Any person submitting an application for the Yard Sale Program must truthfully complete this affidavit and submit it with their application. Questions apply to you as an applicant and any co-applicant(s) or co-owner(s). The applicant and all co-applicants must sign this affidavit below.

1. Do you or any of the co-applicants owe the City of Lowell any monies for incurred real estate taxes, rents or other indebtedness?
☐ No ☐ Yes (explain) _____
2. Were you or any of the co-applicants ever the owners of property upon which the City of Lowell foreclosed for his/her failure to pay real estate taxes or other indebtedness?
☐ No ☐ Yes (explain) _____
3. Have you or any of the co-applicants ever been convicted of any arson-related crimes, or are you currently under indictment for any such crime?
☐ No ☐ Yes (explain) _____
4. Have you or any of the co-applicants ever been convicted of violating any law, code, statute or ordinance regarding conditions of human habitation?
☐ No ☐ Yes (explain) _____
5. Have you or any of the co-applicants ever been convicted of housing discrimination or a violation of fair housing laws and ordinances?
☐ No ☐ Yes (explain) _____
6. List the addresses of all property you and the co-applicants own in the City of Lowell, including the abutting property. Use additional paper and attach if necessary.

Address: _____

Address: _____

Address: _____

Address: _____

Address: _____

Address: _____

Address: _____

Address: _____

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS _____ day of _____, _____.

APPLICANT'S SIGNATURE _____

ADDRESS _____

CO-APPLICANT'S SIGNATURE _____

ADDRESS _____

CO-APPLICANT'S SIGNATURE _____

ADDRESS _____

DISCLOSURE STATEMENT

In compliance with Chapter 60, Section 77B of the Massachusetts General Laws as amended by Chapter 803 of the Acts of 1985, I hereby certify, that I have never been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counseling, or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim for fire insurance; nor am I delinquent in the payment of real estate taxes in the City of Lowell, or being delinquent, an application for the abatement of such tax is pending or a pending petition before the appellate tax board has been filed in good faith.

This statement is made under the pains and penalties of perjury this _____ day of

_____, _____.

Applicant's Signature: _____ Date: _____

If applicable

Co-Applicant's Signature: _____ Date: _____

Co-Applicant's Signature: _____ Date: _____

TRUSTEE'S CERTIFICATE

(Applicable Only to Property Held in Trust)

The undersigned, being all the Trustees of _____ Trust
under declaration of trust dated _____ and recorded with the
Middlesex County Registry of Deeds in Book _____, Page _____, with a mailing
address care of: _____

(Street Address)

_____, Massachusetts _____
(City or Town) (Zip)

(the "Trust"), hereby certifies as follows:

1. That as of the date hereof, the Trust is in full force and effect and has not been amended, modified or revoked;
2. That as of the date hereof, the undersigned are all of the duly elected and appointed Trustees of the Trust; and,
3. That the undersigned hereby consent to and confirm the following which shall be treated for all purposes as a vote taken at a duly called meeting of the Trustees in accordance with Article _____, Section _____ of the Trust:

That pursuant to Article _____, Section _____ of the Trust, the Trustees are authorized and directed in the name of and on behalf of the Trust to execute and deliver any such instruments and to take all such actions as may be necessary or desirable in order to effectuate the purchase of that certain parcel of vacant land located at _____, Lowell, Massachusetts, including but not limited to executing and delivering a Purchase and Sale Agreement, Deed acknowledgment, and Mortgage.

4. That the above vote has not been amended, modified or rescinded and is still of full force and effect.

(continued)

EXECUTED as a sealed instrument this _____ day of _____, _____.

(Trust Name): _____

Witness (Signature) BY: _____, as Trustee
and not individually

Witness (Signature) BY: _____, as Trustee
and not individually

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX S.S. _____

Then personally appeared the above-named

Trustee's Name

Trustee's Name

Trustees as aforesaid, and acknowledged the foregoing instrument to be their free act and deed as Trustees, and the free act and deed of said Trust before me

Name of Notary Public

My Commission expires on: _____

BENEFICIAL INTEREST STATEMENT

(Applicable Only to Property Held in Trust)

WHEREAS, the undersigned intends to enter into an agreement to purchase real property situated at

_____ in the City of Lowell, Massachusetts,
Street Address

I hereby certify pursuant to section 40J of Chapter 7 of M.G.L. that the following names and addresses of all persons and/or entities who have or will have a direct or indirect beneficial interest in said property.

1. _____
Trust's Name *Trust's Address*

2a. _____
Trustee's Name *Trustee's Address*

b. _____
Trustee's Name *Trustee's Address*

c. _____
Trustee's Name *Trustee's Address*

d. _____
Trustee's Name *Trustee's Address*

3a. _____
Beneficiary's Name *Beneficiary's Address*

b. _____
Beneficiary's Name *Beneficiary's Address*

c. _____
Beneficiary's Name *Beneficiary's Address*

d. _____
Beneficiary's Name *Beneficiary's Address*

This statement is made under the pains and penalties of perjury this _____

day of _____, _____.

_____ BY: _____, as Trustee
Witness (Signature) and not individually

_____ BY: _____, as Trustee
Witness (Signature) and not individually

SCHEDULE OF BENEFICIAL INTERESTS AND CERTIFICATE OF DIRECTION

(Applicable Only to Property Held in Trust)

The undersigned, being all the Trustees and Beneficiaries of the _____
Trust's Name

under a Declaration of Trust dated _____ and recorded with Registry District of
Middlesex County on _____ as Document No. _____,
hereby certifies that the following is a complete list of the Beneficiaries of said Trust and their
proportionate interest as of this date.

In addition, the undersigned Beneficiaries hereby direct the undersigned Trustee to purchase certain
property with the buildings thereon in Middlesex County, Massachusetts having the street address of
_____ from the City of Lowell, and to do any and all things which the
Trustee may deem necessary in his sole and absolute discretion to effectuate this conveyance.

LIST OF ALL BENEFICIARY'S NAMES

PERCENTAGE OF INTEREST RESPECTIVELY

Witness the execution hereof take effect as a sealed instrument this _____ day of

_____, _____.

Trust's Name

Witness (Signature) BY: _____, as Trustee
and not individually

Witness (Signature) BY: _____, as Trustee
and not individually

Witness (Signature) BY: _____, as Beneficiary